UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,681	02/03/2004	Eric Blusseau	1948-4838	4036

27123 7590 06/01/2006

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
REHM, ADAM C	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,681	BLUSSEAU, ERIC	
	Examiner	Art Unit	
	Adam C. Rehm	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 8-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 8-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 November 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

1) A plurality of modules each comprising between 2 and 20 diodes per Claims 22 and 29

2) A front surface of an automobile per Claim 31

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by MARTIN ET AL (US 2003/0227774). MARTIN provides a headlight device (200 in Fig. 2A) comprising:

- A luminous source/main-beam headlight/diodes (810-1/810-2/810-3 in Fig. 8) for an automobile (Paragraph 5), grouped together and having a cylinder-shaped arrangement (Fig. 2A);
- Wherein the number of diodes being separate from each other and between 4 and 14 (1310-1 to 1310-6, Fig. 12, Paragraph 68);

- A reflecting/mirrored surfaces (812) that reflect light with dedicated/sectionalized/matrixed reflection surfaces that are adjacent to each other; wherein a totality of diode ray propagation reaches a specific non-horizontal reflecting surface (814-1/814-2/814-3, Paragraph 61, Fig. 8 and 1314, Paragraph 68, Fig. 13) having non-horizontal areas that contribute to range (Fig. 2A); and
- Wherein the switching on of one element luminous source/LED can be controlled independently of the switching on of other element luminous sources (Paragraph 80).

4. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by CHAPMAN ET AL. (US 5,984,494). CHAPMAN provides:

- A luminous source/LEDs to emit a first light (28/32, Fig. 8);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- A supplemental discharge/halogen lamp to emit a second visible light for he area of range/distance (36);
- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and

- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) and MARTIN ET AL (US 2003/0227774).

CHAPMAN discloses:

- A luminous source/LEDs to emit a first light (28/32, Fig. 8);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- A supplemental discharge/halogen lamp to emit a second visible light (36);
- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and
- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

6. While CHAPMAN substantially discloses the claimed invention including LEDs (28/32), CHAPMAN does not specifically disclose LEDs that emit visible light. However, MARTIN teaches the use of LEDs that emit visible light for illumination (810-1/810-2/810-3 in Fig. 8). Furthermore, Applicant admits the use of a plurality of light sources for varying modes (Paragraph 23). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CHAPMAN and use the LEDs that emit visible light as taught by MARTIN in order to achieve the well known benefits of LEDs, e.g. heightened efficiency.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) and MARTIN ET AL (US 2003/0227774) as applied above, and further in view of JONES ET AL. (US 6,053,623). CHAPMAN substantially discloses the claimed invention, including a halogen lamp (36), but does not disclose a xenon lamp. However, JONES teaches a system utilizing a xenon lamp for the purpose of providing a lamp that operates at lower filament temperatures, has a very white light output producing much less ultraviolet light while operating more efficiently (Column 1 Line 61-Column 2, Lines 19). It would have been obvious to one of ordinary skill in the art at the time of invention to substitute the lamp of CHAPMAN with the xenon lamp as taught by CHAPMAN in order to provide a more efficient lamp.

8. Claims 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) and Applicant's admitted prior art. CHAPMAN discloses a mobile vehicle/automobile headlight (see ABSTRACT) comprising:

- A luminous source/LEDs to emit a first visible light and positioned a distance from one another (28/32, Fig. 8);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- Wherein the LED is set in the reflecting surface (Fig. 8);
- A supplemental discharge/halogen lamp to emit a second visible light (36);
- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and
- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

9. CHAPMAN does not specifically disclose at least three visible light intensity zones or a cut-off line.

10. Regarding the zones, Applicant admits that variable visible intensity zones are known including a long-range zone approximately 70 meters away from the headlight, a comfort zone approximately 40 meters away from the headlight and a breadth zone approximately 30 meters away from the headlight (Paragraph 23). Applicant states these zones are provided for the purpose of providing optimum visibility based on distance (*Id*). It would have been obvious to one of ordinary skill in the art at the time of

invention to modify CHAPMAN and use the zones as taught by Applicant's admitted prior art in order to optimize a headlight beam.

11. Regarding the cut-off line, Applicant admits that headlight cut-off lines are known for providing desired illumination (Paragraphs 20, 22 and 24). It would have been obvious to one of ordinary skill in the art at the time of invention to modify CHAPMAN and use the cut-off line as taught by Applicant's admitted prior art in order to achieve desired illumination.

Response to Amendment

12. Applicant's amendment filed 4/27/2006 has been received.

Response to Arguments

13. Applicant's arguments have been fully considered but they are only partially persuasive. However, further rejections are maintained.

14. Applicant argues that MARTIN is distinguishable because MARTIN only contributes to a single pattern. Notably, Applicant claims the listed patterns in the alternative. As such, Examiner has selected one of the listed patterns and applied it as noted by Applicant, i.e. "a single far-field pattern."

15. Applicant argues that MARTIN is distinguishable because MARTIN does not disclose or otherwise suggest both groups of LEDs simultaneously powered. Notably, this language is absent from the claims and Applicant's cited language, "each specific area...intended to fulfill a particular contribution..." does not support this contention. The plurality of patterns is claimed in the alternative and it is undisputable that the MARTIN reflector provides a surface area of a reflecting surface intended for

contributing to range/distance. This is an integral purpose of the relationship between a light source and reflector.

16. Applicant argues that MARTIN fails to specify LEDS used for range contribution. However, MARTIN discloses that the purpose of the LEDs is to generate a far-field pattern, thus contributing to range/distance (see SUMMARY).

17. Applicant argues that MARTIN fails to disclose or otherwise suggest first, second and third LEDs that are adapted together to contribute to range, breadth and comfort respectively. However, the recitation that an element is "adapted...to" perform a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Notably, Examiner utilizes the common, ordinary meaning associated with the terms "range, breadth and comfort." It is the Examiner's position that all of the MARTIN LEDs contribute to range/distance, breadth/width and comfort/visibility.

18. Applicant argues that CHAPMAN fails to disclose LEDs that emit visible light. However, the benefits of LEDs are well known in the art. Moreover, MARTIN teaches the use of LEDs and while CHAPMAN does not specifically disclose the use of dual visible light emitters, CHAPMAN does state that LEDs emitting light from "any other region of the spectrum" can be utilized (Column 2, Line 5). Notably, the employment of such does not defeat the underlying purpose of CHAPMAN, i.e. to provide varying lighting characteristics for increased visibility (see Summary generally).

19. Applicant argues that CHAPMAN fails to disclose using the LEDs and halogen lamp simultaneously. The Examiner is unable to locate where this feature is recited in

the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

20. Applicant argues that JONES fails to disclose first and second visible lights. Examiner concurs. This rejection has been modified.

21. Applicant argues that CHAPMAN and JONES fail to disclose a luminous beam having three areas, i.e. comfort, breadth and range. However, Applicant admits that such areas are known (Paragraph 23).

22. The rejections are maintained.

Conclusion/Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
5/15/2006

Thomas M. Sember
Primary Examiner